REMARKS

Attached Form 1449 (Exhibit B) includes a copy of patentee's Petition for Rehearing which was filed with the United States Court of Appeals for the Federal Circuit on February 22, 2001. The Petition is directed to the Federal Circuit's February 8, 2001 decision on appeal (included in the Petition) which in pertinent part affirmed the U.S. District Court for the Eastern District of Michigan summary judgment decision of invalidity on obviousness grounds of claims 5 and 6 of U.S. Patent No. 5,661,645, which are identical to the allowed claims 5 and 6 in this application. As set forth in the Petition for Rehearing, patentee seeks to clarify whether the Federal Circuit's February 8, 2001 decision precludes patentee from bringing a motion to reopen the judgment in the district court to determine non-obviousness of claims 5 and 6 in a summary judgment context in light of the allowance of claims 5 and 6 in the reissue proceedings.

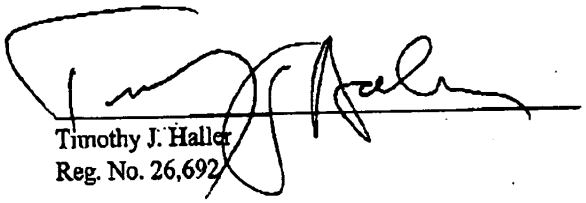
To date there has been no decision on the Petition for Rehearing. Accordingly, on February 23, 2001, patentee filed a continuation application by Express Mail (no serial number for the continuation application has been received to date and the transmittal filing papers are attached as Exhibit C). It is patentee's intention that the present application continue to issue without claims 5 and 6. In so doing all remaining claims then issuing in this application will be canceled out of the continuation application whereby the pendency of claims 5 and 6 can be maintained pending a clarification of their status before the Federal Circuit and potential further proceedings thereon before the district court.

Pursuant to Rule 312(b), a petition directed to this amendment was filed. Necessarily the Federal Circuit's decision on claims 5 and 6 was not known until after the payment of the Issue Fee herein on February 5, 2001 whereby the present amendment became necessary and was not earlier

presented. A further Supplemental Declaration for Reissue Patent Application dated February 28, 2001 is attached as Exhibit D, as understood by patentee to be required.

In summary, it is requested that claims 5 and 6 be canceled with the remainder of the allowed claims being passed to issue.

Respectfully submitted,



Timothy J. Haller
Reg. No. 26,692

Dated: 2/28/01

Niro, Scavone, Haller & Niro
181 West Madison, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

RECEIVED

FEB 28 2001

OFFICE OF PETITIONS

HOWARD & HOWARD ATTORNEYS P.C.

COMMISSIONER OF PATENTS & TRADEMARKS

Please confirm receipt of the document(s) checked below by stamping and returning this card to us.

Inventor / Applicant: Relume Mark: _____

Date 2-5-01 Attorney: HWM File No.: 65,016-046

— PATENTS / TRADEMARKS —

☐ New Patent Application:

☐ CON ☐ CIP ☐ DIV ☐ FWC ☐ Provisional ☐ PCT

_____ Page(s) Specification _____ Page(s) Claims

_____ Page(s) Abstract 6 Sheets of Drawings (formal/informal)

☐ Small Entity Declaration ☐ Executed Declaration & Power of Attorney

☐ PCT Request _____ Pages ☐ Fee Calculation Sheet

☐ Certificate of Express Mail ☐ Information Disclosure Statement

☐ Assignment ☐ Recordation Cover Sheet

☐ Response/Amendment ☐ Extension of Time

☐ Statement of Use ☐ Section 8 Affidavit

☐ Priority Document ☒ Issue Fee Transmittal

☐ New Trademark Application:

☐ Use ☐ Intent to Use

☐ Drawing _____ Specimens

☐ Transmittal Cover Sheet ☐ Missing Parts

☐ Federal Power of Attorney ☐ Patent Copies

☐ PTO 1449 ☐ Notice of Appeal

☐ Response to Invalidity ☐ Appeal Brief

☒ Certificate of Mailing ☐ Renewal Application

☐ Section 15 Affidavit ☒ Change of Fee Address

☐ Maintenance Fee Transmittal, ___ Year ☐ Make of Record Letter

Other: _____

Fee: $ 1,270.00 Serial/Patent/Registration No. 09/382,702

Date Received: _____

HOWARD & HOWARD FEB 12 2001 RECEIVED

OIPE FEB 05 2001 PATENT & TRADEMARK OFFICE JC28

EXHIBIT 4

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)	Application Number
2881RE	09/382,702
Applicant(s)	
Peter Hochstein	
Filing Date	**Group Art Unit**
August 24, 1999	2838

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES	Translation NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		Relume's Petition for Rehearing in the United States Court of Appeals for the Federal Circuit Appeal Nos. 00-1164, -1180,

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in [illegible]509; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to [illegible]

EXHIBIT B

Form PTO-A820
(also form PTO-1449)

Patent and Trademark Office * U.S. DEPARTMENT OF COMMERCE

SHEET 1 OF 1

BB

RELUME'S PETITION FOR REHEARING

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Appeal Nos. 00-1164, -1180

RECEIVED
FEB 22 2001
United States Court of Appeals
For The Federal Circuit

RELUME CORPORATION,

Plaintiff-Appellant,

v.

DIALIGHT CORPORATION, ECOLUX, INC.,
and PRECISION SOLAR CONTROLS, INC.,

Defendants,

and

LUMILEDS LIGHTING BV, PHILIPS LIGHTING BV,
and HEWLETT-PACKARD COMPANY,

Defendants-Cross Appellants.

Appeals from the United States District Court
for the Eastern District of Michigan in Case No. 98-72360, Judge John Feikens.

Timothy J. Haller, (3125265)
Robert P. Greenspoon, (6229357)
William W. Flachsbart, (6237069)
NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

Attorneys for Appellant
Relume Corporation

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Relume Corporation v. LumiLeds Lighting BV, et al.

No. 00-1164

Certificate of Interest

Counsel for ~~the (petitioner)~~ (appellant) ~~(cross-appellant) (respondent) (appellee) (amicus) (name of party)~~ Relume Corporation certifies the following ~~(use "None" if applicable; use extra sheets if necessary)~~:

1. The full name of every party or amicus represented by me is:
Relume Corporation

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:
None

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:
None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:
Timothy J. Haller and Robert P. Greenspoon: Niro, Scavone, Haller & Niro; 181 West Madison Street, 4600; Chicago, IL 60602

02/21/01
Date

Signature of counsel

TIMOTHY J. HALLER

Printed name of counsel

Niro, Scavone, Haller & Niro
181 West Madison Street, 4600
Chicago, IL 60602
(312) 236-0733 (telephone)
(312) 236-1471 (facsimile)

PETITION FOR REHEARING

Relume respectfully seeks panel rehearing for the limited purpose of clarification, and not necessarily to seek a change in the outcome of the panel's decision. The Court's judgment affirmed the summary judgment of invalidity entered by the Eastern District of Michigan. The Court's judgment does not appear to have taken into account the fact that two patent claims invalidated by the district court as obvious (claims 5 and 6 of United States Patent No. 5,661,645) were held patentable by the Patent and Trademark Office during reissue proceedings. The Patent and Trademark Office held claims 5 and 6 patentable after having considered (1) the same prior art relied on for invalidity by the district court, (2) the opinion and judgment of the district court and (3) the appeal brief filed by appellees seeking to defend the district court's judgment.

It follows that the panel did not consider this post-district-court-judgment event in its disposition of this appeal because if it did, Supreme Court authority would have required the judgment to have been vacated. See Commissioner of Patents and Trademarks v. Zurko, 119 S.Ct. 1816 (1999) (reversing Federal Circuit, and holding decisions of the Patent and Trademark Office entitled to the great deference accorded decisions of administrative agencies).

Relume seeks clarification that the appellate court mandate will not preclude reopening the judgment in the district court on remand under Fed. R. Civ. P. 59 or 60 to consider this additional intervening evidence of non-obviousness. The decisions of this Court require that a district court ***always*** consider the decision of the Patent and Trademark Office, particularly where as here the Patent and Trademark Office considered the same prior art asserted to be invalidating in the district court. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1139 (Fed. Cir. 1985); Fromson v. Advance Offset Plate, Inc., 755 F.2d 1549, 1555 (Fed. Cir. 1985) ("The Examiner's decision, on an original or reissue application, is never binding on the court. ***It is, however, evidence the court must***

consider in determining whether the party asserting invalidity has met its statutory burden by clear and convincing evidence."); American Hoist & Derrick Co. v. Sowa & Sons, 725 F.2d 1350, 1359-60 (Fed. Cir. 1984) ("When no prior art other than that which was considered by the PTO examiner is relied on by the attacker, he has the added burden of overcoming the deference that is due to a qualified government agency presumed to have properly done its job. . . . When an attacker simply goes over the same ground traveled by the PTO, part of the *burden* is to show that the PTO was wrong"). The Patent and Trademark Office's disposition of the reissue claims did not occur until the pendency of this appeal. Therefore, the first time the district court will have the opportunity to carry out its obligation to consider the information will be upon remand.

For the foregoing reasons, Relume respectfully requests rehearing for the sole purpose of clarifying that the appellate decision does not preclude Relume from bringing a motion under Fed. R. Civ. P. 59 or 60 to reopen the judgment to determine non-obviousness of claims 5 and 6 in light of Patent and Trademark Office reissue proceedings.

Lastly, we are aware of the great likelihood that this petition, like most, will be denied without comment. It will be greatly appreciated if the Court will indicate its views to minimize the need to litigate the "law of the case" issue in the district court.

Respectfully submitted,

Timothy J. Haller
Robert P. Greenspoon
NIRO, SCAVONE, HALLER & NIRO
181 West Madison - Suite 4600
Chicago, IL 60602
Telephone (312) 236-0733

Attorneys for Appellant,
Relume Corporation

ADDENDUM

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF ENTRY OF
JUDGMENT ACCOMPANIED BY OPINION

OPINION FILED AND JUDGMENT ENTERED: 02/08/01

The attached opinion announcing the judgment of the court in your case was filed and judgment was entered on the date indicated above. The mandate will be issued in due course.

Information is also provided about petitions for rehearing and suggestions for rehearing in banc. The questions and answers are those frequently asked and answered by the Clerk's Office.

No costs were taxed in this appeal.

Exhibits and visual aids shall be promptly retrieved by the party that lodged them with this court.

JAN HORBALY
Clerk

cc: TIMOTHY J. HALLER
JOHN M. DIMATTEO

RELUME CORP V DIALIGHT CORP, 00-1164 , -1140
DCT - 98-CV-72360

NOTE: Pursuant to Fed. Cir., R. 47.6, this disposition is not citable as precedent. It is a public record. This disposition will appear in tables published periodically.

United States Court of Appeals for the Federal Circuit

00-1164, -1180

RELUME CORPORATION,

Plaintiff-Appellant,

v.

DIALIGHT CORPORATION, ECOLUX, INC., and PRECISION SOLAR CONTROLS, INC.,

Defendants,

and

LUMILEDS LIGHTING BV, PHILIPS LIGHTING BV, and HEWLETT-PACKARD COMPANY,

Defendants-Cross Appellants.

DECIDED: February 8, 2001

Before CLEVENGER, SCHALL, and BRYSON, Circuit Judges.

CLEVENGER, Circuit Judge.

Relume Corporation ("Relume") appeals from the summary judgment of the United States District Court for the Eastern District of Michigan, holding that the defendants' accused products do not literally infringe the asserted claims of U.S. Patent No. 5,661,645 ("the '645 patent") or U.S. Patent No. 5,783,909 ("the '909 patent"), both

assigned to Relume, and holding that both patents are invalid. Relume Corp. v. Dialight Corp., 63 F. Supp.2d 788, 802 (E.D. Mich. 1999). We affirm.

I

Relume raises several arguments on appeal: (1) whether the district court erred in its interpretation of certain limitations in the patents, (2) whether such errors in claim interpretation led to errors in the court's analysis of the validity issues, (3) whether disputed issues of material fact preclude summary judgment on the validity issues, and (4) whether alleged errors in claim interpretation or the disputed issues of material fact undercut the district court's judgment of no literal infringement.

II

We have fully reviewed the careful, extensive and well-crafted opinion of the district court. We have carefully examined the arguments presented by the parties in their briefs and have considered in full the arguments made by the parties at oral argument.

For the reasons stated in the opinion of the district court, we agree that all of the asserted claims of the '645 and '909 patents are invalid. Because we affirm the district court's judgment on the validity issues, we need not reach the questions raised by Relume as to the judgment of noninfringement.

CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that two (2) true copies of the foregoing **RELUME'S PETITION FOR REHEARING** were served upon the below listed counsel of record via First Class Mail on this _____ day of February, 2001.

John M. DiMatteo
Patterson, Belknap, Webb & Tyler
1133 Avenue of the Americas
New York, NY 10036-6710
(212) 336-2000 (telephone)
(212) 336-2222 (facsimile)
Attorneys for LumiLeds Lighting BV, Philips Lighting BV and Hewlett-Packard Company

The undersigned hereby further certifies pursuant to Rule 25(d)(2), Federal Rules of Appellate Procedure, that an original and eleven (11) copies of the foregoing were filed via Federal Express- Next-Day Delivery on this _____ day of February, 2001 addressed to:

Clerk
U.S. Court of Appeals for the Federal Circuit
Howard T. Markey National Courts Building
717 Madison Place NW
Washington, DC 20439

Timothy J. Haller
Robert P. Greenspoon
NIRO, SCAVONE, HALLER & NIRO
181 West Madison - Suite 4600
Chicago, IL 60602
Telephone (312) 236-0733

HOWARD & HOWARD ATTORNEYS, P.C.

COMMISSIONER OF PATENTS & TRADEMARKS

Please confirm receipt of the document(s) checked below by stamping and returning this card to us.

Inventor / Applicant: Hochstein **Mark:** _____

Date February 23, 2001 **Attorney:** HWM **File No.:** 65016-071

— PATENTS / TRADEMARKS —

☑ New Patent Application:

☑ CON ☐ CIP ☐ DIV ☐ FWC ☐ Provisional ☐ PCT

12 Page(s) Specification

1 Page(s) Abstract

15 Page(s) Claims

6 Sheets of Drawings (formal/~~informal~~)

☐ New Trademark Application:

☐ Use ☐ Intent to Use

_____ Drawing _____ Specimens

☐ Small Entity Declaration	☑ Executed Declaration & Power of Attorney	☑ Utility Transmittal Cover Sheet	☐ Missing Parts
☐ PCT Request _____ Pages	☑ Fee Calculation Sheet	☐ General Power of Attorney	☐ Patent Copies
☑ Certificate of Express Mail	☑ Information Disclosure Statement	☑ PTO 1449	☐ Notice of Appeal
☐ Assignment	☐ Recordation Cover Sheet	☐ Response to Invitation	☐ Appeal Brief
☑ ~~Response~~ Preliminary Amendment	☐ Extension of Time	☐ Certificate of Mailing	☐ Renewal Application
☐ Statement of Use	☐ Section 8 Affidavit	☐ Section 15 Affidavit	☐ Change of Fee Address
☐ Priority Document	☐ Issue Fee Transmittal	☐ Maintenance Fee Transmittal, ___ Year	☐ Make of Record Letter

Other: Check to provide for filing fee

Fee: $ 2,360.00 Serial/Patent/Registration No. herewith

Date Received: _____

EXHIBIT C

Please type a plus sign (+) inside this box→ +

PTO/SB/05 (08/00)
Approved for use through 10/31/02 OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	65,016-071	*Total Pages*	
First Named Inventor or Applicant	Hochstein		
Title	POWER SUPPLY FOR LIGHT EMITTING DIODE ARRAY		
Express Mail Label No.	EL726039396US		

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. [X] Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. [] Applicant claims small entity status.
See 37 CFR 1.27.
3. [X] Specification [Total Pages 28]
(preferred arrangement set forth below)
-Descriptive title of the Invention
-Cross References to Related Applications
-Statement Regarding Fed sponsored R&D
-Reference to Microfiche Appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings *(if filed)*
-Detailed Description
-Claims
-Abstract of the Disclosure
4. [X] Drawing(s) *(35 USC 113)* [Total Sheets 6]
5. [X] Oath or Declaration [Total Pages 2]
a. [] Newly EXECUTED (original or copy)
b. [X] Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
i. [] DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [] Application Data Sheet. See CFR 1.76
7. [] CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
a. [] Computer Readable Form (CFR
b. [] Specification Sequence Listing on:
i. [] CD-ROM or CD-R (2 copies); or
ii. [] Paper Copy (identical to computer copy)
c. [] Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [] Assignment Papers (cover sheet & document(s))
10. [] 37 CFR 3.73(b) Statement [] Power of Attorney
(where there is an assignee)
11. [] English Translation Document *(if applicable)*
12. [X] Information Disclosure Statement(s) (IDS)/PTO-1449 [] Copies of IDS Citations
13. [X] Preliminary Amendment
14. [X] Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. [] Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. [X] Other: Check to cover Patent Application filing fees.

17. **If a CONTINUING APPLICATION,** check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

[X] Continuation [] Divisional [] Continuation-in-part (CIP) of prior application No: 09 / 382,702

Prior application information: Examiner _____ Group /Art Unit: _____

For Continuation or Divisional Apps only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

[] *Customer Number or Bar Code Label* *(Insert Customer No. or Attach bar code label here)* *or* [] *Correspondence address below*

NAME	Harold W. Milton, Jr.				
	Howard & Howard Attorneys, P.C.				
ADDRESS	The Pinehurst Office Center, Suite #101				
	39400 Woodward Avenue				
CITY	Bloomfield Hills	STATE	MI	ZIP CODE	48304-5151
COUNTRY	USA	TELEPHONE	(248) 723-0352	FAX	(248) 645-1568
NAME (PRINT) & SIGNATURE	Harold W. Milton	REGISTRATION NO.	22,180	DATE	2/23/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE CALCULATION AND TRANSMITTAL

CLAIMS AS FILED					
For	**# Filed**	**# Allowed**	**# Extra**	**Rate**	**Fee**
Total Claims	45	- 20 =	25	x $18.00	$ 450.00
Independent Claims	18	- 3 =	15	x $80.00	$ 1,200.00
Multiple Dependent Claims (check if applicable) ☐					$
BASIC FEE					$ 710.00
OTHER FEE (specify purpose) ___					$
TOTAL FILING FEE					**$ 2,360.00**

☒ A check in the amount of **$ 690.00** is enclosed to cover the filing fee.

☒ The Commissioner is hereby authorized to charge or credit Deposit Account No. 08-2789. as described below. A duplicate copy of this sheet is enclosed.

- ☐ Charge the amount of $ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

2/23/01
Dated

Harold W. Milton, Jr., Registration No. 22,180
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0352

HWM/alw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Peter A. Hochstein	:
Serial No.	:	Not Yet Assigned (Continuation of 09/382,702)	: GROUP:
Attny No.	:	65,016-071	: EXAMINER:
Filed	:	Concurrently Herewith	:
Title	:	POWER SUPPLY FOR LIGHT EMITTING DIODE ARRAY	:

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D. C. 20231

BOX: PATENT APPLICATION

Dear Sir:

Please preliminary amend the above-identified application as follows:

IN THE SPECIFICATION:

Add to line 1, of pg 1, - -**RELATED APPLICATION** - -

Add to line 2, of pg 1,

--This application is a continuation of copending reissue application Serial No.09/382,702, filed August 24, 1999 now U.S. Patent _____, which was a reissue application of 08/673,200 filed June 27, 1996 now U.S. Patent 5,661,645, which issued August 26, 1997.- -

REMARKS

Claims 1-45 remain in this application. The entrance of this preliminary amendment for the purposes of filing the attached continuation application is respectfully submitted.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

2/23/01
Date

Harold W. Milton, Jr.
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0352

Attachments

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **PRELIMINARY AMENDMENT** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee", Mailing Label No. **EL726039396US** and addressed to the Assistant Commissioner of Patents, Washington, D. C. 20231, on **February 23, 2001.**

Anne L. Winchester
Anne L. Winchester

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed paper or fee is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee", Mailing Label No. **EL726039396US** and addressed to the Assistant Commissioner of Patents, Washington, D. C. 20231, on **February 23, 2001.**

Anne L. Winchester

Anne L. Winchester

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **FEE CALCULATION FOR THE ATTACHED CONTINUATION PATENT APPLICATION** and fee is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee", Mailing Label No. **EL726039396US** and addressed to the Assistant Commissioner of Patents, Washington, D. C. 20231, on **February 23, 2001.**

Anne L. Winchester

Anne L. Winchester

G:\Q-R\Relume\lp00071\Patent\FEE_CALC.doc

Please type a plus sign (+) inside this box → ☒

PTO/SB/51B (08-00)
Approved for use through 12/31/2000. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)

Attorney Docket Number	65.016-046
First Named Inventor	Peter A. Hochstein
COMPLETE	
Application Number	09 / 382,702
Filing Date	August 24, 1999
Group Art Unit	2838
Examiner Name	B. Vu

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	☐ A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
Peter A.	Hochstein
Inventor's Signature	Date 2-28-01
Name of Second Inventor:	☐ A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
Inventor's Signature	Date
Name of Third Inventor:	☐ A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
Inventor's Signature	Date
Name of Fourth Inventor:	☐ A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
Inventor's Signature	Date

☐ Additional inventors are being named on the ____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXHIBIT
tabbies
D